

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 515 OF 2015
IN
APPEAL FROM ORDER (ST) NO. 8055 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Anand Talreja for the applicant.

Mr. Ferhan Dubhash with Ms. Natasha Wadia i/b Hariyan & Co. for the respondent.

CORAM : K. K. TATED, J.

DATED : 30/06/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by defendant for condonation of 28 days delay in filing Appeal from Order challenging the order dated 07.01.2015 passed by Bombay City Civil Court, Mumbai in Summons for Judgment no. 128 of 2013 directing applicant to pay sum of Rs.24,41,716/- as a conditional leave to defend the summary suit no. 1003 of 2013.

3 The learned counsel for the respondent plaintiff vehemently opposed the present Civil Application. He submits that meanwhile the

summary suit no. 1003 of 2013 appeared on board before the Trial Court, at that time the Trial Court by order dated 19.03.2015 passed decree directing applicant defendant to pay to the plaintiff sum of Rs. 41,64,699/- with 15% interest from the date of filing of the said suit till realisation of the amount. He submits that in view of subsequent development, nothing survives in the Appeal from Order. Hence, same to be dismissed with costs.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5 Hence, the following order:

- a) Delay of 28 days in filing Appeal from Order is condoned.
- b) Applicant to remove all office objections in Appeal from Order within one week from today.
- c) Office is directed to place the Appeal from Order on board on 20.07.2015.

(K.K.TATED, J.)